

## **8.904 PROVISIONS APPLICABLE TO CLIENTS**

### **A. Overview of Requirements**

In order to qualify to receive discounted health care services under available CICIP funds, an applicant shall satisfy the following requirements:

1. Execute an affidavit regarding citizenship status;
2. Be lawfully present in the United States;
3. Be a resident of Colorado;
4. Meet all CICIP eligibility requirements as defined by state law and procedures; and
5. Furnish a social security number (SSN) or evidence that an application for a SSN has been submitted, where required by 10 C.C.R. 2505-10, Section 8.904.E (2007.)

### **B. Affidavit**

1. Each first-time applicant, or applicant seeking to reapply, eighteen (18) years of age or older shall execute an affidavit stating:
  - a. That he or she is a United States citizen, or
  - b. That he or she is a legal permanent resident, or is otherwise lawfully present in the United States pursuant to federal law.
2. For an applicant who has executed an affidavit stating that he or she is lawfully present in the United States but is not a United States citizen, the provider shall, within 30 days of the application date, verify lawful presence through the Federal Systematic Alien Verification of Entitlement Program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security. Until verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence.

### **C. Establishing Lawful Presence**

1. Each first-time applicant, or applicant seeking to reapply, eighteen (18) years of age or older shall produce one of the following. Any document submitted pursuant to 8.904.C.1 shall be presumed to be genuine unless there is a reasonable basis for questioning the authenticity of the document.
  - a. A valid Colorado Driver's License or a Colorado Identification Card, issued pursuant to Article 2 of Title 42, C.R.S. A valid Colorado Driver's License or Identification Card includes only a current Driver's License, Minor Driver's License, Probationary Driver's License, Commercial Driver's License, Restricted Driver's License, Instruction Permit or Identification Card.
  - b. A United States Military Identification Card or a Military Dependents' Identification Card;
  - c. A United States Coast Guard Merchant Mariner Card;

- d. A Native American Tribal Document; OR
  - e. A driver's license or state-issued identification card issued in a state approved by the Director, Motor Vehicle Division, Department of Revenue.
2. If an applicant is unable to provide a document listed in 8.904.C.1, then he/she must provide a document listed in 8.904.C.2. Any document submitted pursuant to 8.904.C.2 shall be presumed to be genuine unless there is a reasonable basis for questioning the authenticity of the document.
- a. Documents applicable to U.S. citizens and non-citizen nationals
    - I. Copy of applicant's birth certificate from any state, the District of Columbia and all United States territories.
    - II. United States Passports, except for "limited" passports issued for less than five years.
    - III. Report of Birth Abroad of a United States Citizen, form FS-20.
    - IV. Certificate of Birth issued by a foreign service post (FS-545) or Certification of Report of Birth (DS-1350).
    - V. Certification of Naturalization (N-550 or N-570).
    - VI. Certificate of Citizenship (N-560 or N-561).
    - VII. U. S. Citizen Identification Card (I-97).
    - VIII. Northern Mariana Identification Card for an applicant born prior to November 3, 1986.
    - IX. Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen.
    - X. American Indian Card with classification code "KIC" and a statement on the back identifying U.S. Citizen members of the Texas Band of Kickapoos.
    - XI. Religious records recorded in one of the fifty states, the District of Columbia or U.S. territories issued within three months after birth showing that the birth occurred in such jurisdiction and the date of the birth or the individual's age at the time the record was made.
    - XII. Evidence of civil service employment by the U.S. government before June 1, 1976.
    - XIII. Early school records showing the date of admission to the school, the child's date and place of birth and the names' and places of birth of the parents;
    - XIV. Census record showing name, U.S. citizenship or a U.S. place of birth or age of applicant;
    - XV. Adoption Finalization Papers showing the child's name and place of birth in one of the 50 states, D.C., or U.S. territories or where the adoption is not

finalized and the State or other jurisdiction listed above in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions. The source of the information must be an original birth certificate and must be indicated in the statement; or

XVI. Any other document that establishes a U.S. place of birth or in some way indicates U.S. citizenship.

XVII. A written declaration, which shall be either:

- a) A written declaration from one or more third parties made under penalty of perjury and possibly subject to later verification of status, indicating a reasonable basis for personal knowledge that the applicant is a U.S. citizen or non-citizen national, or
- b) The applicant's written declaration, made under penalty of perjury and possibly subject to later verification of status that he or she is a U.S. citizen or non-citizen national.

XVIII. The following documents may be accepted as evidence of U.S. citizenship for collectively naturalized individuals:

a) Puerto Rico

- 1) Evidence of birth in PR on or after April 11, 1899 and the applicants' statement that he or she was residing in the U.S., a U.S. possession, or PR on January 13, 1941; or
- 2) Evidence that the applicant was a PR citizen and the applicant's statement that he or she was residing in PR on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

b) U.S. Virgin Islands

- 1) Evidence of birth in the U.S. Virgin Islands (VI) and the applicant's statement of residence in the U.S., a U.S. possession, or the U.S. VI on February 25, 1927; or
- 2) The applicant's statement indicating residence in the U.S. VI as a Danish citizen on January 17, 1917 and that he or she did not make a declaration to maintain Danish citizenship; or
- 3) Evidence of birth in the U.S. VI and the applicant's statement indicating residence in the U.S., U.S. Possession or Territory or the Canal Zone on June 28, 1932.

c) Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI))

- 1) Evidence of birth in NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or
- 2) Evidence of TTPI citizenship in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did owe allegiance to a foreign state on November 4, 1986 (NMI local time); or
- 3) Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

XIX. Derivative U.S. Citizenship may be determined as follows:

a) Applicant born abroad to two U.S. citizens:

- 1) The applicant shall present evidence of U.S. citizenship of the parents and the relationship of the applicant to the parents, and the evidence that at least one parent resided in the U.S. or an outlying possession prior to the applicant's birth.

b) Applicant born abroad to a U.S. citizen parent and a U.S. non-citizen national parent:

- 1) The applicant shall present evidence that one parent is a U.S. citizen and the other is a U.S. non-citizen national, evidence of the relationship of the applicant to the U.S. citizen parent and the evidence the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa or Swain's Island for a period of at least one year prior to the applicant's birth.

c) Applicant born out of wedlock abroad to a U.S. citizen mother:

- 1) The applicant shall present evidence of U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant's birth or, for births after December 24, 1952, evidence that the mother had resided, prior to the child's birth, in the U.S. or a U.S. possession for a period of one year.

d) Applicant born in the Canal Zone or the Republic of Panama:

- 1) The applicant shall present a birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a U.S. citizen at the time of the applicant's birth; or

- 2) A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor in title.
- e) All other situations where an applicant claims to have a U.S. citizen parent and an alien parent, or claims to fall within one of the above categories but is unable to present the listed documentation:
  - 1) If the applicant is in the U.S., refer him or her to the local Department of Homeland Security (formerly known as the Immigration and Naturalization Service, or INS) office for determination of U.S. citizenship; or
  - 2) If the applicant is outside the U.S., refer him or her to the State Department consular office for a U.S. citizenship determination.

XX. Adoption of foreign-born child by U.S. citizen:

- a) If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, refer the applicant to the local Department of Homeland Security office for a determination of U.S. citizenship.

XXI. U.S. citizenship by marriage:

- a) The applicant shall present evidence that she was married to a U.S. citizen before September 22, 1922, or
- b) If the husband was an alien at the time of their marriage, that the husband became a U.S. citizen before September 22, 1922.
- c) If the marriage was later terminated, the woman shall demonstrate that she resided in the U.S. at the time it was terminated and that she has continued to reside in the U.S.

b. Documents applicable to non-U.S. citizens

I. Alien lawfully admitted for permanent residence

- a) Department of Homeland Security Form I-551, Alien Registration Receipt Card, commonly called or known as a "green card"; or
- b) Unexpired Temporary I-551 Stamp in foreign passport or on Department of Homeland Security Form I-94.

II. Asylee

- a) Department of Homeland Security Form I-94 annotated with stamp showing grant of asylum under section 208 of the Immigration and Nationality Act (INA); or

- b) Department of Homeland Security Form I-688B (Employment Authorization Card) annotated "274a.12(a)(5)"; or
- c) Department of Homeland Security Form I-776 (Employment Authorization Document) annotated "A5"; or
- d) Grant Letter from the Asylum Office or U.S.C.I.S..

### III. Refugee

- a) Department of Homeland Security Form I-94 annotated with stamp showing admission under Section 207 of the INA; or
- b) Department of Homeland Security Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)"; or
- c) Department of Homeland Security Form I-766 (Employment Authorization Document) annotated "A3"; or
- d) Department of Homeland Security Form I-571(Refugee Travel Document); or
- e) I-765 Employment Authorization Document; or
- f) Grant letter from the U.S. Department of Health and Human Services granting refugee status to human trafficking victims.

### IV. Alien paroled into the U.S. for a least one year

- a) Department of Homeland Security Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement).

### V. Alien whose deportation or removal was withheld

- a) Department of Homeland Security Form I-688B (Employment Authorization Card) annotated "274a.12(a)(10)"; or
- b) Department of Homeland Security Form I-766 Employment Authorization Document annotated "A10"; or
- c) Order from an immigration Judge showing deportation withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA.

### VI. Alien granted conditional entry

- a) Department of Homeland Security Form I-94 with stamp showing admission under Section 203(a)(7) of the INA; or
- b) Department of Homeland Security Form I-688B (Employment Authorization Card) annotated "A3"; or

- c) Department of Homeland Security Form I-766 (Employment Authorization Document) annotated "A3".

VII. Cuban / Haitian entrant

- a) Department of Homeland Security Form I-551, Alien Registration Receipt Card, commonly known as the "Green Card" with the code CU6, CU7, or CH6; or
- b) Unexpired temporary I-551 stamp in foreign passport or on Department of Homeland Security Form I-94 with the code CU6, CU7, or CH6; or
- c) Department of Homeland Security Form I-94 with stamp showing parole as "Cuba/Haitian Entrant" under Section 212(d) (5) of the INA.

VIII. Alien who has been battered or subjected to extreme cruelty

- a) See Attachment 5, Exhibit B, at U.S. Attorney General Order No. 2129-97. The documentation for Violence Against Women Act self- petitioners is the Department of Homeland Security issued "Notice of Prima Facie Determination" or "Notice of Approval".

- 3. If an individual is unable to present any of the documents listed in 8.904.C.1 and 8.904.C.2 the provider may accept a waiver. A first-time applicant or applicant seeking to reapply may demonstrate lawful presence by executing both the affidavit required in 8.904.B. and by executing a Request for Waiver. The Request for Waiver form, seeking a determination of lawful presence by the Department of Revenue, may be completed by the applicant or the applicant's representative. The Request for Waiver must be accompanied by all documents that the applicant is able to produce to assist in verification of lawful presence.

4. Submission, Receipt and Retention of Documentation

- a. Lawful presence documentation may be accepted from the applicant, the applicant's spouse, parent, guardian, or authorized representative in person, by mail, or facsimile.
- b. Providers shall develop procedures for handling original documents to ensure that the documents are not lost, damaged or destroyed. Providers shall develop and follow procedures for returning or mailing original documents to applicants within five business days of receipt.
- c. Providers shall accept copies of an applicant's lawful presence documentation that have been verified by other CACP providers, Medical Assistance sites, county departments of social services, or any other entity designated by the Department of Health Care Policy and Financing through an agency letter, provided that the verification identifies that the copy is from an original and that the individual who reviewed the document(s) signifies such by including their name, organization, address, telephone number and signature on the copy.
- d. The qualified health care provider shall retain photocopies of the affidavit and lawful presence documentation listed in 8.904.C with the application.

5. Expired or absent documentation for non-U.S. citizens

- a. If an applicant presents expired documents or is unable to present any documentation evidencing his or her immigration status, refer the applicant to the local Department of Homeland Security office to obtain documentation of status.
- b. In unusual circumstances involving applicants who are hospitalized or medically disabled or who can otherwise show good cause for their inability to present documentation and for whom securing such documentation would constitute undue hardship, if the applicant can provide an alien registration number, the provider may file U.S.C.I.S. Form G-845 and Supplement, along with the alien registration and a copy of any expired Department of Homeland Security document, with the local Department of Homeland Security office to verify status.
- c. If an applicant presents a receipt indicating that he or she has applied to the Department of Homeland Security for a replacement document for one of the documents listed in 8.904.2.b, file U.S.C.I.S. Form G-845 and Supplement with a copy of the receipt with the local Department of Homeland Security office to verify status.

6. The provider shall not discriminate against applicants on the basis of race, national origin, gender, religion, age or disability. If an applicant has a disability that limits the applicant's ability to provide the required evidence of citizenship or lawful presence, the provider shall assist the individual to obtain the required evidence.

- a. Examples of reasonable assistance that may be expected include, but are not limited to, providing contact information for the appropriate agencies that issue required documents; explaining the documentation requirements and how the applicant may provide the required documentation; or referring the client to other agencies or organizations which may be able to provide assistance.
- b. Examples of additional assistance that shall be provided to applicants who are unable to comply with the documentation requirements due to physical or mental impairments or homelessness and who do not have a guardian or representative who can provide assistance include, but are not limited to, contacting any known family members who may have the required documentation; contacting any known health care providers who may have the required documentation; or contacting other social services agencies or organizations that are known to have provided assistance to the applicant.
- c. The provider shall not be required to pay for the cost of obtaining required documentation.
- d. The provider shall document its efforts of providing additional assistance to the client. Documentation of such shall be retained in the applicant's application file.

D. Residence in Colorado

An applicant must be a resident of Colorado. A Colorado resident is a person who currently lives in Colorado and intends to remain in the state.

Migrant workers and all dependent family members must meet all of the following criteria to comply with residency requirements:

- 1. Maintains a temporary home in Colorado for employment reasons;



2. Meet the lawful presence criteria, as defined in paragraph B of this section; and
3. Employed in Colorado.

E. Social security number(s) shall be required for all clients receiving discounted health care services under available CICIP funding. If an applicant does not have a social security number, documentation that the applicant has applied for a social security number must be provided to complete the application to receive discounted health care services under available CICIP funding. This section shall not apply to unborn children or homeless individuals who are unable to provide a social security number.

F. Applicants Not Eligible

1. The following individuals are not eligible to receive discounted services under available CICIP funds:
  - a. Individuals for whom lawful presence cannot be verified.
  - b. Individuals who are being held or confined involuntarily under governmental control in State or federal prisons, jails, detention facilities or other penal facilities. This includes those individuals residing in detention centers awaiting trial, at a wilderness camp, residing in half-way houses who have not been released on parole, and those persons in the custody of a law enforcement agency temporarily released for the sole purpose of receiving health care.
  - c. College students whose residence is from outside Colorado or the United States that are in Colorado for the purpose of higher education. These students are not Colorado residents and cannot receive services under the CICIP.
  - d. Visitors from other states or countries temporarily visiting Colorado and have primary residences outside of Colorado.
2. Persons who qualify for Medicaid. However, applicants whose only Medicaid benefits are the following shall not be excluded from consideration for CICIP eligibility:
  - a. QMB benefits described at section 10 C.C.R. 2505-10, Section 8.111.1 (2007) of these regulations;
  - b. SLMB benefits described at section 10 C.C.R. 2505-10, Section 8.122 (2007), or
  - c. The QI1 benefits described at section 10 C.C.R. 2505-10, Section 8.123 (2007).
3. Individuals who are eligible for the Children's Basic Health Plan. However, individuals who are waiting to become an enrollee in the Children's Basic Health Plan and/or have incurred charges at a participating qualified health care provider in the 90 days prior to the application date shall not be excluded from consideration for eligibility on a temporary basis. Once the applicant becomes enrolled in the Children's Basic Health Plan, the applicant is no longer eligible to receive discounted health care services under available CICIP funding.

G. Application

1. Regular Application Process

The applicant or an authorized representative of that applicant must sign the application to receive discounted health care services submitted to the qualified health care provider within 90 calendar days of the date of health care services. If an applicant is unable to sign the application or has died, a spouse, relative, or guardian may sign the application. Until it is signed, the application is not complete, the applicant cannot receive discounted health care services under available CICIP funding and the applicant has no appeal rights. All information needed by the provider to process the application must be submitted before the application is signed.

## 2. Emergency Application

- a. In emergency circumstances, an applicant may be unable to provide all of the information or documentation required by the usual application process. For emergency situations, the qualified health care provider shall follow these steps in processing the application:
  - I. Use the regular application to receive discounted health care services under available CICIP funding, but check emergency application on the application.
  - II. Ask the applicant to give spoken answers to all questions and to sign the application to receive discounted health care services under available CICIP funding.
  - III. Assign a discount rating based on the spoken information provided.
- b. An emergency application is good for only one date of service in an emergency room. If the client receives any care other than the emergency room visit, the qualified health care provider must require the client to submit documentation to support all figures on the emergency application or complete a new application. If the documentation submitted by the client does not support the earlier, spoken information, the qualified health care provider must obtain a new application to receive discounted health care services under available CICIP funding from the client.
- c. In emergency circumstances, an applicant is not required to provide identification or execute an affidavit as specified at 10 C.C.R. 2505-10, Section 8.904.B. [Emer. Rule eff. 10/1/06; Perm. Rule eff. 10/30/06]

## H. Applicants

1. Any adult, over the age of 18, may apply to receive discounted health care services under available CICIP funding on behalf of themselves and members of the applicant's family household.
2. If an applicant is deceased, the executor of the estate or a family member may complete the application on behalf of the applicant. The family member completing the application will not be responsible for any copayments incurred on behalf of the deceased member.
3. The application to receive discounted health care services under available CICIP funding shall include the names of all members of the applicant's family household. In determining household size, a family member of any age may be included as long as s/he receives at least 50% of his/her support from the household.

4. A minor shall not be rated separately from his/her parents or guardians unless s/he is emancipated or there exists a special circumstance as outlined in the CICP Manual. A minor is an individual under the age of 18.

I. Health Insurance Information

The applicant shall submit all necessary information related to health insurance, including a copy of the insurance policy or insurance card, the address where the medical claim forms must be submitted, policy number, and any other information determined necessary.

J. Subsequent Insurance Payments

If a client receives discounted health care services under available CICP funding, and their insurance subsequently pays for services, or if the patient is awarded a settlement, the insurance company or patient shall reimburse the qualified health care provider for discounted health care services rendered to the patient.